

SPECIAL TOWN MEETING
October 28, 30, November 4 & 6, 1991

The meeting was televised by Amherst Community Television. The Special Town Meeting was called to order by the Moderator, Francesca Maltese at 7:39 P.M. There were 249 town meeting members; 125 checked in and a quorum was declared. The call and return of the meeting were read by Town Clerk, Cornelia D. Como. Jonathan Hite, Kenneth Mosakowski, Hill Boss, Larry Kelley, Michael Chernoff and Kristin O'Connell were sworn as tellers by the Moderator.

ARTICLE 1. Voted that the Town hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.
Action taken on 10/28/91.

ARTICLE 2. Voted unanimously that the Town appropriate and transfer \$1,947.36 from Free Cash in the Unreserved Fund Balance of the General Fund to pay unpaid bills of the previous fiscal year.
Action taken on 10/28/91.

ARTICLE 3. Voted unanimously that the Town appropriate \$240.93 to pay taxes and fees for property on Sheerman Lane, known as Map 8B, lot 103; such land taken by eminent domain for street acceptance in FY 85, and to meet such appropriation, \$240.93 be transferred from the Overlay Reserve Account.
Action taken on 10/28/91.

ARTICLE 4. Voted unanimously that the Town appropriate \$4,996.58 to pay taxes and fees for property shown as Map 16D, lot 6, otherwise known as Justice and Chesterfield Drive; such land taken by eminent domain for street acceptances in FY 86, and to meet such appropriation, \$4,996.58 be transferred from the Overlay Reserve Account.
Action taken on 10/28/91.

ARTICLE 5. Voted unanimously that the Town rescind the following borrowing authorizations:
Article 49, May, 1984 - \$250,000 for Atkins and Hills Dam
Article 56, May, 1984 - \$180,000 for Sewer Facility Engineering Article 3, April, 1981 - \$465,000 for Pelham Water Treatment Article 9, May, 1985 - \$431,000 for Lincoln Avenue project
Article 29, May, 1987 - \$625,000 for Water Main Relining
Article 2, April, 1990 - \$1,600,000 for Jones Library
Action taken on 10/28/91.

ARTICLE 6. Voted unanimously that the Town appropriate \$15,000 for the Police Outside Details account and that to meet such appropriation, \$15,000 be transferred from the Overlay Reserve Account.
Action taken on 10/28/91.

ARTICLE 7. DEFEATED. YES 70, NO 106 (Town amend FY92 Operating Budget by increasing the Street and Traffic Lights budget by \$14,720)
Action taken on 10/28/91.

ARTICLE 8. DISMISSED. Streetlights.
Action taken on 10/28/91.

ARTICLE 9. Voted unanimously that the Town raise and appropriate \$4,714 to increase the amount appropriated under Article 8 of the 1991 Annual Town Meeting (\$40,000) Congregate Housing.
Action taken on 10/28/91.

On October 28th it was unanimously voted to postpone consideration of Article 10 until after Article 31.

ARTICLE 10. DISMISSED. Jenks Street Landfill.
Action taken on 11/6/91.

On October 28th it was unanimously voted to postpone consideration of Article 11 until Wednesday, October 30 at 7:30 p.m.

ARTICLE 11. Voted YES 150, NO 2 that the Town appropriate \$2,760,000 for the renovation of the Town Hall and to meet such appropriation that the Treasurer be authorized to borrow \$2,760,000 in accordance with M.G.L. Chapter 44, Section 7, Clause (3A). Voted that the Town endorse the Select Board's intention to place on a debt exclusion ballot question in the spring of 1992 the required appropriation for such renovation as determined by the actual bids.
Action taken on 10/30/91.

ARTICLE 12. Voted YES 133, NO 16 that the Town appropriate an additional \$5,152 to increase the amount appropriated under Article 7 of the Special Town Meeting of October, 1990 (\$75,000) Elementary School Preliminary Design, and that to meet such appropriation, \$5,152 be transferred from the Stabilization Fund.
Action taken on 10/28/91.

ARTICLE 13. Voted unanimously that the Town appropriate \$50,000 for the renovation of the East Street School in preparation for student occupancy in September, 1992 and that to meet such appropriation \$50,000 be transferred from the Stabilization Fund.
Action taken on 10/28/91.

ARTICLE 14. Voted unanimously that the Town: 1) transfer the following parcels off Old Farm Road now under Conservation Commission control to the control of the School Department for the purposes of constructing an elementary school: Parcel A (2.4 acres) on map designated "site plan, Old Farm Road" and Parcel B (0.3 acres) on said map and request the Select Board to seek a special act of the legislature to authorize the transfer. 2) transfer the following parcels off Old Farm Road now under the control of the School Department to the control of the Conservation Commission under chapter 40, Sec. 8c: Parcel C (5.85 acres) on map designated "site plan, Old Farm Road" and Parcel D (1.0 acre) on said map.
Action taken on 10/28/91.

ARTICLE 15. DISMISSED. (Exchange of Land - State street, for Conservation Purposes)

Action taken on 10/28/91.

ARTICLE 16. DISMISSED. (Conservation Land - State Street)

Action taken on 10/28/91.

ARTICLE 17. DISMISSED. (Land Acquisition - State Street for Conservation Purposes)

Action taken on 10/28/91.

On October 28th it was voted to defer consideration of Article 18 until after consideration of Article 10, which had been deferred until after Article 31.

ARTICLE 18. Voted YES 115, NO 19 that the Town establish as a Town Way and accept the Layout as a Town Way the following street: Wildflower Drive (portion), Voted unanimously that the Town establish as Town Ways and accept the layouts as Town Ways each of the following streets: Norwottock Circle, South Mount Holyoke Drive, Potwine Place, Trillium Way, Larkspur Drive, Ladyslipper Circle, Teaberry Lane, Woodlot Road (portion) - or any of them, or portions thereof, with adjacent easements, as laid out by the Select Board, to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefore, no appropriation being required.

Action taken on 11/6/91.

9:54 P.M. The meeting voted to adjourn to Wednesday, October 30, 1991 at 7:30 P.M. in the Auditorium of the Amherst Regional Junior High School. 188 town meeting members were checked in.

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The adjourned session of Wednesday, October 30, 1991 was called to order by the Moderator at 7:40 P.M. 127 town meeting members were checked in.

ARTICLE 19. Voted unanimously that the Town authorize the Select Board to acquire by purchase, eminent domain or otherwise, for drainage and or construction purposes the easements described under Article 19 in the document "Descriptions of Properties for 1991 Fall Town Meeting, Articles 18-20."

Action taken on 10/30/91.

ARTICLE 20. Voted unanimously that the Town:

a: appropriate an additional \$4,000,000 to increase the amount appropriated under Article 2 Special Town Meeting of May 21, 1986 (\$3,500,000) for the construction of a water treatment facility for the Atkins reservoir system including construction of a building for water treatment and original equipment therefor, for the construction of filter beds, for the laying of water mains of not less than six inches but less than sixteen inches in diameter, for the lining of water mains with linings of not less than one-sixteenth of an inch, and for the expenses necessary in connection with any of the foregoing purposes, including the acquisition of land or any interest in land and the cost of architectural or engineering services for plans, specifications, and that to meet such appropriation, the Treasurer, with approval of the Selectmen, be authorized to borrow in accordance with M.G.L. Chapter 44, Section 8, clauses (4) and (5), or any other enabling authority, and to issue

bonds and notes therefor;

Action taken on 11/4/91.

b: authorize the Select Board to convey to W.D. Cows, Inc., an easement to pass and repass on foot and vehicle over a certain portion of property of the Town of Amherst, located on the Southerly side of Market Hill Road.

Action taken on 10/30/91.

ARTICLE 21. DEFEATED. YES 35. NO 99. Water Capital Program -Removal of Underground Storage Tanks (By Petition of Noel Kurtz and Nathaniel Reed)

Action taken on 10/30/91.

10:30 P.M. The meeting voted to adjourn to Monday, November 4, 1991 at 7:30 P.M. in the Auditorium of the Amherst Regional Junior High School. 176 town meeting members were checked in.

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The adjourned session of Monday, November 4, 1991 was called to order by the Moderator at 7:40 P.M. 125 town meeting members were checked in.

ARTICLE 22. Voted unanimously that the Town amend the Zoning ByLaw in the following manner:

1.Section 3.331 Kindergarten, day nursery or other agency for the day care of children [,or cultural school for the arts].

2.Change the use designation in all zoning districts for this Section from Special Permit (SP) to Site Plan Review (SPR).

NOTE: Brackets [] indicate deletion of words.

Action taken on 11/4/91.

ARTICLE 23. DISMISSED. Zoning By-Law Amendment - Converted Dwelling (Planning Board)

Action taken on 11/4/91.

ARTICLE 24. Voted unanimously the the Town amend the Zoning ByLaw by amending Section 3.20, Design Review, by deleting the language in brackets and adding the underlined language:

A.Amend Section 3.201, as follows:

3.201 Design Review Board - In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Design Review Board is hereby established. The Design Review Board shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the appropriate [decision-making body] permit-granting authority concerning the conformance of the proposed action to the design review standards contained herein.

B.Amend Section 3.202, as follows:

3.202 Reviewable Actions - The following types of actions [in the areas specified therein] shall be subject to review by the Design Review Board [and shall be subject to the design standards herein].

3.2020 [Exterior a] Actions [requiring a Building Permit] in the Downtown B-G & B-L Districts All new structures, alterations or additions to existing structures, changes in outdoor land use or changes in site design or site features which require a building permit, Site Plan Review, Special

Permit or Variance and which affect the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board, provided that the action occurs [on land which is located in] within the General Business (B-G) [zoning] district or [those parts of the] abutting Limited Business (B-L) zoning districts [which about the General Business district].

3.2021 Exterior actions [not requiring a Building Permit] within 150 feet of the Town Common Any construction, alteration, demolition or removal that affects the exterior architectural appearance of a building or [the appearance of the building] site shall be subject to review by the Design Review Board provided that the site is on or within 150 feet of the Amherst Town Common, as measured from the outside edges of the curbs bordering the three sections of the Common, parking lots and interior road ways inclusive. Exterior architectural appearance [is] shall be defined as the architectural character and general composition of the exterior of a building, including but not limited to[,] the kind, color[,] and texture of building materials, including paint color, and the type, design[,] and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements. The appearance of a site shall be defined as the character, layout and general composition of the site, including but not limited to the kind, color and texture of such materials as plantings, paving benches, site lighting, free-standing signs, utility structures and all other appurtenant elements.

3.2022 Actions by Town Government Any construction, alteration, demolition or removal of a structure or site by the Town of Amherst shall be subject to review by the Design Review Board. This includes all actions throughout the Town of Amherst, except [those that are considered to be] for routine maintenance of existing structures or sites. Any repair, renovation or rehabilitation which will result in substantial alteration to the form or appearance of a structure or site shall not be considered routine maintenance. Where the status of such an action by the Town is in doubt, the department or agency responsible shall request a determination from the Zoning Enforcement Officer prior to beginning work.

C.Amend Section 3.203, as follows:

3.203Procedures for Review of Actions Subject to Design Review 3.2030 Applications for all actions subject to review by the Design Review Board shall be made by [completing] submitting a[n] complete application form [and submitting it] along with the required application materials and fee to the [Building Commissioner] Planning Department[.], where [A] application forms may be obtained [are available from the Inspection Services Department].

3.2031 All applications to the Design Review Board shall include all information required by the [r] Rules and [r] Regulations of the Design Review Board, as applicable, in addition to any other information that the Board may require, and any information that is required under this by[-]law as part of an application for a building permit, Site Plan Review, [s] Special [p] Permit[,] or Variance [or building permit]. " The Design Review Board may waive any and all of the requirements for design review submittal and approval.

3.2032 Upon receipt of an application for design review, the [Building Commissioner] Planning Department shall immediately transmit a copy of the application to the [Design Review Board] Building Commissioner or the appropriate Town staff for the applicable permitting authorities. The Design Review Board shall review the application and [return] transmit its recommendations in writing to the applicant and Building Commissioner or other appropriate Town staff within [thirty] thirty-five (35) days of receipt of the application. If the application for design review is associated with a [v] Variance or a [s] Special [p] Permit, the Building Commissioner shall immediately transmit the Design Review Board's recommendations to the Zoning Board of Appeals. Failure by the Design Review Board to make and transmit its recommendation within the thirty-five (35) day

period allocated shall be considered a recommendation for approval of the application submitted, unless the applicant has granted an extension in public meeting or in writing.

3.2033 No design review shall be required in those instances where the Design Review Board determines that specific actions subject to Section 3.202 do not constitute substantial alterations to the form or appearance of a building or site, and where no new or additional requirements of the Zoning Bylaw must be met for the proposed action.

D. Amend Section 3.204, as follows:

3.204 Design Review Principles and Standards The design review principles and standards [which are] described in this section [below] are intended to [provide a] guide [to] the applicant in the development of site and building design [as well as a frame of reference for] and the [d] Design Review Board in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The Design Review Board is specifically precluded from mandating any official aesthetic style for Amherst or imposing the style of any particular historical period. The design review principles and standards shall apply to all actions' reviewable [actions contained in] under Section 3.202.

3.2040 General Principles 3) [Distinctive s] Stylistic features distinctive to the architecture of a specific building, structure or landscape, or examples of skilled craft[smanship] which characterize a building, structure or site shall be [treated with sensitivity] conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be av[oided] whenever possible. 4) Contemporary design for new structures or sites, alterations [and] or additions to existing properties shall not be discouraged when such new development, alterations [and] or additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the design character of the surrounding environment. 5) The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance and usability of existing buildings, structure and sites.

3.2041 Design Review Standards - The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action: 1) Height - The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings [building]. 2) Proportions [of windows and doors] (*- The proportions and relationships of height to width between windows, doors, signs and [windows] other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings [area]. 3) Relation[ships] of [building masses] Structures and [s] Spaces - The relation[ship] of a structure to the open space between it and adjoining structures should be compatible with such relations in the surrounding[s]. 4) [Roof s] Shape - The [design of the] shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of [the surrounding] a building[s] or site, and that of its surroundings. 5) Landscape - [The] Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape. 6) Scale - The scale of [the] a structure or landscape alteration should be compatible with its architectural or landscape design style and [the] character and that of the surroundings [buildings]. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians. 7) Directional [e] Expression

- Building [F] facades and other architectural and landscape design elements shall [blend] be compatible with those of others [structures] in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate. 8) Architectural and Site [d] Details - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, [and] textures and grade shall be treated so as to be compatible with [its] the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. In the downtown business districts, these details should blend with their surroundings to create a diverse, functional and unified streetscape. 9) Signs - The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site, and those of other signs in the surroundings. Action taken on 11/4/91.

ARTICLE 25. Voted that the Town amend the Official Zoning Map in the following manner:

a)Voted unanimously to rezone Parcel 80, Map 8B from Educational District (ED) to Neighborhood Residence (R-N)

b)Voted YES 139, NO 5 to rezone Parcel 4, Map 11A from Educational District (ED) to Fraternity Residence (R-F). Voted unanimously to rezone Parcels 20, 21, 22, 23 and 86, Map 11A from Educational District (ED) to Fraternity Residence (R-F)

c)Voted unanimously to rezone the rear portions of Parcels 212 and 214, Map 14B from Educational District (ED) to the Commercial District (COMM)02.

Action taken on 11/4/91.

ARTICLE 26. DISMISSED. Zoning Map Amendment - Amity Street

Action taken on 11/4/91.

ARTICLE 27. Voted unanimously that the Town amend Section 5.914 of the Zoning By-law by adding the words underlined.

5.914 All buildings associated with this use shall be connected to the public sewer system prior to occupancy. The Board of Appeals may waive this requirement based upon a finding that public sanitary sewer is not reasonably available to the site, that such waiver is not detrimental to the neighborhood and that the existing or proposed septic system is in accordance with regulations of the Board of Health.

Action taken on 11/4/91.

ARTICLE 28. Voted YES 134, NO 3 that the Town amend the Zoning ByLaw in the following manner:

1) 3.312 Salesroom or farm stand for the sale of nursery, garden, or other agriculture produce (including articles of home manufacture from such produce). The farm shall be a minimum of five acres in size for both Class I and Class II facilities.

3.3120 Class I During June, July, Aug. & Sept., the 35 majority of the products sold shall be produced by the owner of the land on which the facility is located or made from the products so produced.

3.3121 Class II During June, July, Aug. & Sept., at least 25% of the products sold shall be produced by the owner of the land on which the facility is located, or made from products so produced. 2) Designate Class II as Site Plan Review (SPR) in the B-G, B-L, B-VC, and COMM districts and as Special Permit (SP) in the R-LD, R-O, R-N, R-VC, R-G, R-F, O46P, LI, PRP, and FPC Districts. Action taken on 11/4/91.

ARTICLE 29. DEFEATED. Town By-Laws - Auto/Bike Accidents (Committee on Bicycling)
Action taken on 11/4/91.

ARTICLE 30. Voted YES 79, NO 66 to refer Article 30 to Selectboard for further consideration.
Action taken on 11/4/91.

ARTICLE 31. Voted YES 75, NO 53 that the Town adopt the following resolution of Town Meeting:

WHEREAS, The Election Calendar Task Force was appointed by the Select Board to review the election calendar for the Town of Amherst and to consider possible changes, and WHEREAS, the Election Calendar Task Force held meetings during May and June of 1991 and discussed a wide range of options, and WHEREAS, there is just not enough time during the spring months to file for town offices, hold two elections (the caucus and the annual town election), deal with town business at the annual town meeting, and have an override referendum while avoiding school and university vacations, and WHEREAS, the Election Calendar Task Force agreed that there is no perfect solution, and WHEREAS, the Election Calendar Task Force recommends that the caucus election should be abolished, and WHEREAS, according to the Caucus Act of the Town of Amherst, the Caucus Act can only be repealed by a majority voters at an annual town election (pursuant to a petition by two hundred registered voters), and WHEREAS, the Select Board endorses the recommendations of the Election Calendar Task Force, NOW THEREFORE BE IT RESOLVED that the October 28, 1991 Special Town Meeting endorses the recommendation of the Election Calendar Task Force that the caucus election should be abolished through the procedures specified in the Caucus Act of the Town of Amherst. Action taken on 11/4/91. The business of the warrant having been completed, the meeting voted to dissolve at 8:35 P.M. on November 6, 1991. Attest:- Margaret Z. Nartowicz Assistant Town Clerk